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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,163	04/16/2004	Ryuta Tsuchiya		7861

24956 7590 03/09/2005

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
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SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

DANG, TRUNG Q

ART UNIT PAPER NUMBER

2823

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/825,163	TSUCHIYA ET AL.	
	Examiner	Art Unit	
	Trung Dang	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-24 is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/372,329.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/16/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuchi (US 6,344,677).

With reference to Figs. 23-29, the prior art teaches the claimed invention in that it discloses a MIS-semiconductor-device manufacturing method comprising the steps of:

forming a gate dielectric 20 on a semiconductor substrate of a first conduction type;

forming a gate electrode 26 on a top surface of said gate dielectric;

forming a first side-wall spacer 24 of silicon nitride on a side wall of said gate electrode;

forming a first impurity area 16 having a second conduction type opposite to said first conduction type by introduction of impurities into said semiconductor substrate with said gate electrode and said first side-wall spacer as a mask (Figs. 26-27 and col. 26, line 55);

forming a second side-wall spacer 22 of silicon dioxide by placing on said first side-wall spacer;

forming a second impurity area 14 having an impurity concentration higher than an impurity concentration of said first impurity area by introduction of impurities into said semiconductor substrate with said gate electrode, said first side-wall spacer and said second side-wall spacer as a mask (Figs. 28-29 and col. 27, lines 23-37); and

carrying out a heat treatment so that one edge of said gate electrode overlaps on said first impurity area, wherein said first side-wall spacer is made of a material having a relative dielectric constant greater than that of said second side-wall spacer.

Note that the silicon nitride spacer 24 has a dielectric constant greater than that of silicon dioxide spacer 22.

For claim 15, the silicon nitride spacer 24 has a fixed thickness, i.e., its thickness is unchanged.

For claim 16, see oxide 40 in Fig. 23.

For claim 17, see col. 21, lines 60-61 for the thickness of the nitride spacer 24.

***Allowable Subject Matter***

2. Claims 18-24 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Claims 18-24 are allowed over prior art of record because the prior art does not teach or suggest the claimed feature regarding the formation of the first impurity area using the first and second side-wall spacers as a mask, forming a third side-wall spacer and then forming the second impurity area using all three side-wall spacers as a mask, wherein the first side-wall spacer has a dielectric constant greater than that of the second and third spacers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trung Dang whose telephone number is 571-272-1857. The examiner can normally be reached on Mon-Friday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Trung Dang', with a stylized, cursive script.

Trung Dang

Primary Examiner

Art Unit 2823

03/07/05